

Right of Rescission

WHEREAS, on _____, _____ entered into an agreement with _____, which under the law is subject to a right of rescission by _____, and _____ has determined to exercise this right, _____ is notified that _____ herewith rescinds that agreement for the purchase of _____.

This right of rescission was sent via: _____ to _____ on _____, 20__ at _____.

Rescinder

Faxed to: _____.

Right of Rescission

Review List

This review list is provided to inform you about this document in question and assist you in its preparation. The right to rescind is based on state laws that provide consumers the right to rescind or cancel certain purchases within a few days, usually 3, after purchase. This rule was put into effect so if someone was high pressured into agreeing to a purchase they could get out of it.

This rule is somewhat ambiguous and determined by circumstances if brought up in court. If, for example, you purchase something clearly marked "final sale" in an environment where no one high-pressured you (e.g., a retail store, garage sale, or the like), then you are apt to lose an attempt to void the purchase. If, on the other hand, you agree to purchase a car from a dealer, you can generally get that purchase voided in this manner. This document is most useful in transactions between the consumer and a business; when sales are made between individuals, they tend to stand up.

In any event, notwithstanding the above, you can always issue this notice to put the seller on notice and, at the least, improve your negotiating stance in seeking to cancel an ill-advised transaction. These things generally come up when one spouse agrees to buy something and then the other spouse interjects him or herself into the situation and they both determine to "not" do it.

Since time is of the essence, fax the rescission notice, if at all possible, to the recipient, as well as mailing it. If a large purchase, FedEx a copy to the Seller as well to notify them and also to indicate the seriousness of your rescission (since you took this additional step).

In sum, the rescission process is inherently a messy one. Use your best judgment in doing so. The worst that will happen, though, is you will be compelled to complete the transaction. So, if you want "out," you have nothing more to lose than having to complete the purchase.

1. Make multiple copies. Fax, mail, and/or FedEx copies to the Seller. Keep one with the transaction file.